

CWP-10158-2026

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-10158-2026

Date of decision: 06.04.2026

Pardeep Kumar

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. D.S. Randhawa, Advocate
for respondent No.4.

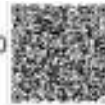
HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the official respondents to promote the petitioner to the post of Clerk w.e.f. 24.04.2006 i.e. the date when the juniors of the Petitioner has been promoted along with all consequential benefits. Further prayer has been made for issuance of writ, order, direction in the nature of *mandamus* directing the respondents to promote the petitioner to the post of Junior Assistant w.e.f. 30.12.2022 i.e. the date when the juniors of the petitioner has been promoted along with all consequential benefits. Further to issue a writ in the nature of *certiorari* quashing the



letter dated 16.03.2026 (Annexure P-25) qua the petitioner, whereby the petitioner has now been asked to appear for type test and thereafter restraining the respondent from imposing the condition of passing any type test on the petitioner as he has ample experience of working as clerk with the respondent department and has already attained the age of 55 years, reliance is placed on CWP No. 13680 of 2018 titled as **'Paramjit Kaur Vs. The Punjab State Power Corporation Limited & ors.'** decided on 13.05.2022.

2. Learned counsel of the petitioner *inter alia* contends that the petitioner was appointed in the year 1991 as a Class IV employee (Peon) with the Municipal Council, Kharar, on compassionate grounds following the demise of his father. Subsequently, in the year 1994, he was promoted to the post of Clerk on probation and after successfully completion of probation period, his services were duly confirmed. While serving as an Octroi Clerk, the petitioner was demoted from the post of Clerk to Peon without following the drill of the Punjab Punishment and Appeal Rules, 1970 or conducting any inquiry vide resolution dated 27.05.2005. Aggrieved against the same, the petitioner submitted representations and filed a civil suit challenging the illegal demotion. During the pendency of the suit in the year 2006, the Municipal Council resolved to promote him again as Clerk along with his juniors. But the said resolution was never approved. Despite repeated recommendations by the Municipal Council acknowledging his satisfactory service, the petitioner's promotion was denied without

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any valid reason, even his juniors were promoted. In the year 2011, vacancies for Clerks arose, the petitioner was again overlooked, prompting further representations. He withdrew his civil suit in the year 2014, yet his promotion was again rejected in 2016. Though the Principal Secretary positively directed the consideration of his case and the Executive Officer supported his claim, but the Government arbitrarily rejected his promotion in the year 2019. The petitioner was eventually promoted as Clerk in the year 2022. However, in 2022, his several juniors were promoted to the post of Junior Assistant, while his case was ignored. Instead, in the year 2026, he was directed to appear for a type test on 22.03.2026, despite having 15 years of experience as a Clerk. His representations against this requirement were disregarded. The right of the petitioner to be considered for promotion as accrued much prior to the issuance of instructions dated 25.03.2021 and the same condition has not been imposed upon several juniors, who have promoted. As such, the petitioner cannot be subjected to appear for a type test for promotion.

3. Notice of motion.

4. Mr. Vikas Arora, DAG, Punjab and Mr. D.S. Randhawa, Advocate who is present in the Court, accept notice on behalf of respondents No.1 to 3 and 4 respectively.

5. *Per contra*, learned counsel for respondent No.4 submits that claim of the petitioner regarding promotion from the date his juniors were promoted cannot be accepted at this belated stage. The petitioner

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has voluntarily withdrew his civil suit as discernible from Annexure P-6.

6. Further, earlier the petitioner filed CWP-11540-2004, which was disposed of with direction to the respondents to pass a speaking order. In compliance thereof, a speaking order was passed, which was never challenged by the petitioner. As far as representation dated 18.03.2026 of the petitioner regarding not subjecting him to appear in the type test for promotion will be considered in accordance with law and same will be decided within a period of three weeks by passing a speaking order.

7. Learned counsel for the petitioner submits that at this stage, the petitioner would be satisfied, if the representation dated 18.03.2026 (Annexure P-26) submitted by him is decided by respondent No.2, by passing a speaking order, after affording an opportunity of hearing, within three weeks.

8. In view of the limited prayer made by learned counsel for the petitioner, present petition is disposed of and respondent No.2 is directed to consider and decide the representation dated 18.03.2026 (Annexure P-26) and pass a speaking order, after affording an opportunity of hearing to the petitioner, within a period of three weeks from the date of receipt of certified copy of this order.

9. Further, the decision taken on the representation dated 18.03.2026 (Annexure P-26) shall be conveyed to the petitioner.

10. Needless to say, if the petitioner is found entitled to the

relief sought, the same be granted to him forthwith by the competent authority.

11. Till then, no coercive steps shall be taken against the petitioner.

06.04.2026
monika

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No